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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/640,858	08/13/2003	John C. Pederson	E30.2-11261	9187
490	7590	12/17/2004	EXAMINER	
VIDAS, ARRETT & STEINKRAUS, P.A. 6109 BLUE CIRCLE DRIVE SUITE 2000 MINNETONKA, MN 55343-9185			CHOI, JACOB Y	
		ART UNIT		PAPER NUMBER
				2875

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/640,858	PEDERSON, JOHN C.
	Examiner Jacob Y Choi	Art Unit 2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11/08/2004.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 33-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 33-58 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Information Disclosure Statement***

2. The information disclosure statement filed 11/8/2004 & 10/27/2003 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suckow et al. (USPN 6,183,100).

Regarding claim 33, Suckow et al. discloses a light support (10) having a front side (33) with a first visible exterior surface (Figure 2A), a circularly placed light emitting diodes arranged about and attached to the first visible exterior surface, and a controller (8A & 8B) in electric communication with the light emitting diodes, the controller constructed and arranged to activate the light emitting diodes thereby producing at least two different types of visually distinct warning light signals, the controller further constructed and arranged to produce the at least two different types of visually distinct warning light signals simultaneously (column 7-8, lines 60-20), the light emitting diodes receiving power from a power source wherein the light support is moveable with respect to the motorized vehicle (claims 14-18). Suckow et al. discloses claimed invention except for a single row of light emitting diodes. It would have been obvious matter of design variation to change the shape of the support / base for the light emitting diodes, since such a modification would have involve a mere change in the shape of the component. A change in shape is generally recognized as being within the level of ordinary skill in the art.

Regarding claim 34, Suckow et al. discloses a gyrator (Figures 9 & 10) attached to the light support wherein the gyrator may move the warning signal light to provide rotational or oscillatory motion.

Regarding claim 35, Suckow et al. discloses the light support further comprising a back side (34) having a second visible exterior surface having a single row of light

emitting diodes arranged about and attached to the second visible exterior surface (Figure 2A).

Regarding claim 36, Suckow et al. discloses the controller controls the light emitting diodes on the first visible exterior surface, for the provision of different warning light signals on the first visible exterior surface and the second visible exterior surface.

Regarding claim 37, Suckow et al. discloses the warning light signal is in the form of a directional indicator.

Regarding claim 38, Suckow et al. discloses the motorized vehicle is a utility vehicle.

Regarding claim 39, Suckow et al. discloses the motorized vehicle is an emergency vehicle.

5. Claims 33, 37-39 & 40-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kouchi et al. (USPN 4,868,719).

Regarding claims 33 & 40, Kouchi et al. discloses a light support (10) having a front side with a first visible exterior surface (Figure 1), a multiple rows of light emitting diodes (16) arranged about and attached to the first visible exterior surface, and a controller (19& 20) in electric communication with the light emitting diodes (16) thereby producing at least two different types of visually distinct warning light signals ("STOP", "HAZARD", "HELP", "LEFT" & "RIGHT" or matrix that is able to display many different patterns by CPU) , the controller further constructed and arranged to produce the at least two different types of visually distinct warning light signals in at least one

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combination (Figures 7 & 8), the light emitting diodes receiving power from a power source wherein the light support is moveable (rear combination lamp assembly of Kouchi et al. may be remove from vehicle's body) with respect to the motorized vehicle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to reduce multiple rows of Kouchi et al. and make it a single row lamp device for a vehicle, since it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art. *In re Karlson*, 136 USPQ 184.

Note: Claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1874).

Regarding claim 37, Kouchi et al. discloses the warning light signal is in the form of a directional indicator (turn signal; "LEFT" & "RIGHT").

Regarding claim 38, Kouchi et al. discloses the motorized vehicle is a utility vehicle.

Regarding claim 39, Kouchi et al. discloses the motorized vehicle is an emergency vehicle.

Regarding claim 41, Kouchi et al. discloses the at least two different types of visually distinct warning light signals are generated in any combination.

Regarding claim 42, Kouchi et al. discloses the at least two different types of visually distinct warning light signals are generated simultaneously (Figures 5b-8) in any combination.

Regarding claim 43, Kouchi et al. discloses the at least two different types of visually distinct warning light signals are generated alternatively (Figures 7 & 8) in any combination.

Regarding claim 44, Kouchi et al. discloses the at least two different types of visually distinct warning light signals are generated in any combination of two or more visually distinct warning light signals (Figure 6).

Regarding claim 45, Kouchi et al. discloses the at least two different types of visually distinct warning light signals are generated simultaneously (Figures 5b-8) in any combination of two or more visually distinct warning light signals.

Regarding claim 46, Kouchi et al. discloses three or more visually distinct warning light signals are generated alternatively in any combination of two or more visually distinct warning light signals (Figure 6).

Regarding claim 47, Kouchi et al. discloses three or more visually distinct warning light signals are generated in any combination of three or more visually distinct warning light signals (Figure 6).

Regarding claim 48, Kouchi et al. discloses three or more visually distinct warning light signals are generated simultaneously (Figures 5b-8) in any combination of three or more visually distinct warning light signals.

Regarding claim 49, Kouchi et al. discloses three or more visually distinct warning light signals are generated alternatively in any combination of three or more visually distinct warning light signals (Figure 6).

Regarding claim 50, Kouchi et al. discloses the at least two visually distinct warning light signals are generated in a regular pattern (26, a control circuitry 17 for selectively turning on and off the LEDs; column 3, lines 39-41 & column 4, lines 40-65).

Regarding claim 51, Kouchi et al. discloses the at least two visually distinct warning light signals are generated in an intermittent pattern (26, a control circuitry 17 for selectively turning on and off the LEDs; column 3, lines 39-41 & column 4, lines 40-65).

Regarding claim 52, Kouchi et al. discloses the at least two visually distinct warning light signals are generated in an irregular pattern (26, a control circuitry 17 for selectively turning on and off the LEDs; column 3, lines 39-41 & column 4, lines 40-65).

Regarding claim 53, Kouchi et al. discloses the at least two visually distinct warning light signals are generated in a regular sequence (26, a control circuitry 17 for selectively turning on and off the LEDs; column 3, lines 39-41 & column 4, lines 40-65).

Regarding claim 54, Kouchi et al. discloses the at least two visually distinct warning light signals are generated in an intermittent sequence (26, a control circuitry 17 for selectively turning on and off the LEDs; column 3, lines 39-41 & column 4, lines 40-65).

Regarding claim 55, Kouchi et al. discloses the at least two visually distinct warning light signals are generated in an irregular sequence (26, a control circuitry 17 for selectively turning on and off the LEDs; column 3, lines 39-41 & column 4, lines 40-65).

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Regarding claim 56, Kouchi et al. discloses the at least two visually distinct warning light signals are generated at regular intervals (26, a control circuitry 17 for selectively turning on and off the LEDs; column 3, lines 39-41 & column 4, lines 40-65).

Regarding claim 57, Kouchi et al. discloses the at least two visually distinct warning light signals are generated at intermittent intervals (26, a control circuitry 17 for selectively turning on and off the LEDs; column 3, lines 39-41 & column 4, lines 40-65).

Regarding claim 58, Kouchi et al. discloses the at least two visually distinct warning light signals are generated at irregular intervals (26, a control circuitry 17 for selectively turning on and off the LEDs; column 3, lines 39-41 & column 4, lines 40-65).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bader et al. (USPN 6,100,791) – programmable emergency signaling device and system

Mouyard et al. (USPN 4,254,453) – alpha-numeric display array and method of manufacture

Gieffers (USPN 5,296,840) – programmable emergency signaling system for a vehicle

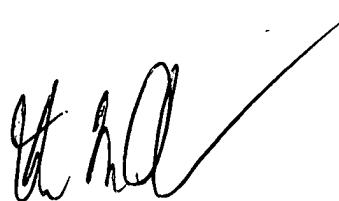
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y Choi whose telephone number is (571) 272-2367. The examiner can normally be reached on Monday-Friday (10:00-7:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC



THOMAS M. SEMBER  
PRIMARY EXAMINER